



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Labor & Industries

- ☒ **Preproposal Statement of Inquiry was filed as WSR 05-20-069** _____ ; or
☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____ ; or
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR** _____
☐ **Continuance of WSR** _____

Title of rule and other identifying information: (Describe Subject)

General Reporting Rules, Classifications, Audit and Recordkeeping, Rates and Rating System for Washington Workers' Compensation Insurance, Chapter 296-17 WAC

Hearing location(s):

Date: May 9, 2006

Time: 1:30 pm.

Location: Dept of Labor & Industries, Yakima Service Office
 15 W. Yakima Avenue, Yakima, WA 98902

Date: May 10, 2006

Time: 10 a.m.

Location: Dept of Labor & Industries Bldg., Room S130
 7273 Linderson Way SW, Tumwater, WA 98501

Submit written comments to:

Name: Department of Labor & Industries
 Bill Moomau, Classification Services

Address: P. O. Box 44148
 Olympia, WA 98504-4148

e-mail moom235@lni.wa.gov

fax (360) 902-4729 by (date) 5 p.m., May 10, 2006

Date of intended adoption: May 29, 2006

(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact

Office of Information and Assistance by May 8, 2006

TTY (360)602-5797 or () _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rulemaking will:

- Create a new classification for health care workers under the program administered by DSHS and HCQA,
- Create a new classification for clerical and administrative state government employees and revise three other state government classifications
- Create a new classification for construction company estimators
- Create three new sub classifications for the metal goods industry and eliminate numerous sub classifications
- Create a new sub classification for construction debris haulers
- Make minor amendments and housekeeping changes to 38 classifications and sub classifications
- Repeal five classifications concerning door to door sales and metal goods

See Attachment A for complete listing.

Reasons supporting proposal: Labor and Industries is required by law to establish and maintain a worker' compensation classification plan that classifies all occupations or industries within the state and is permitted to review and make changes to the plan (RCW 51.16.035 and 51.16.100). The Department has conducted a review of these classifications and reporting rules and determined these rules are in need of revision.

Statutory authority for adoption: RCW 51.16.035 and
 51.16.100

Statute being implemented: RCW 51.16.035 and
 51.16.100

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

CODE REVISER USE ONLY

WSR# 06-08-086

DATE April 4, 2006

NAME Gary K. Weeks

SIGNATURE

TITLE
 Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Labor & Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Bill Moomau	Tumwater, Washington	(360) 902-4774
Implementation....	Robert Malooly	Tumwater, Washington	(360) 902-4209
Enforcement.....	Robert Malooly	Tumwater, Washington	(360) 902-4209

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

In this case the agency is exempt from conducting a SBEIS since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310(4)(f) and because the content of the rules is specifically dictated by statute described in RCW 34.05.310(4)(e)

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: In this case, the agency is exempt from conducting a CBA since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.328(5)(b)(vi) and because the content of the rules is specifically dictated by statute described in RCW 34.05.328(5)(b)(v).

Attachment A Summary

CR 102 Proposed Rule Making April 4, 2006
Chapter 296-17 WAC General Reporting Rules, Classifications, Audit and
Recordkeeping, Rates and Rating System for Washington Workers'
Compensation Insurance

Proposal establishes classification changes effective July 1, 2006

WAC 296-17-517	Removes word "decorative"
WAC 296-17-521	Clarifies wording regarding contractors at oil refineries
WAC 296-17-536	Describes mobile food vendors
WAC 296-17-618	Clarifies description of street vendors
WAC 296-17-622	Corrects 4101 to 4103
WAC 296-17-649	Removes sub for mechanical harvesting of shellfish
WAC 296-17-64904	Removes reference to 4808
WAC 296-17-66003	Adds references to 0101.
WAC 296-17-677	Add business types to this classification
WAC 296-17-680	Adds schools for deaf and blind
WAC 296-17-681	Adds schools for deaf and blind
WAC 296-17-694	Reword definition of shows, strikes two sub codes
WAC 296-17-698	Revise definition of home health care services
WAC 296-17-701	Add special note for clerical and sales
WAC 296-17-712	Clarify sales definition
WAC 296-17-713	Clarify sales definition
WAC 296-17-715	Remove reference to mortgage brokers
WAC 296-17-738	Correct word "martial"
WAC 296-17-777	Remove note about assignments

Proposed classification changes to become effective January 1, 2007:

WAC 296-17-31013	Creates exception rule for construction estimators
WAC 296-17-31018	Clarifies construction debris hauling
WAC 296-17-513	Changes 3404 to 3402
WAC 296-17-516	Removes sub code for building decorating
WAC 296-17-557	Changes 5209 to 3402
WAC 296-17-568	Changes 3404 to 3402
WAC 296-17-57001	Changes 3404 to 3402
WAC 296-17-580	Rewords metal goods description
WAC 296-17-582	Repeal classification 3404 for metal goods
WAC 296-17-594	Changes 3404 to 3402

WAC 296-17-595	Changes 3404 to 3402
WAC 296-17-634	Creates sub for construction debris hauling
WAC 296-17-651	Clarifies administrative duties of state government employees
WAC 296-17-65802	Create new classification for construction estimators
WAC 296-17-669	Repeal classification 5109 for metal goods
WAC 296-17-670	Changes 3404 to 3402
WAC 296-17-67601	Repeal classification 5208 for metal goods
WAC 296-17-67602	Repeal classification 5209 for metal goods
WAC 296-17-67603	Create new class for administrative state government employees
WAC 296-17-67901	Clarifies job duties of blue collar state government employees
WAC 296-17-697	Repeal classification for door to door sales
WAC 296-17-704	Add door to door sales to vacuum and sewing machine stores
WAC 296-17-72202	Strike chore services reported by HCQA
WAC 296-17-72203	Create new classification for chore services reported by HCQA
WAC 296-17-724	Add building decorating
WAC 296-17-739	Change 3404 to 3402
WAC 296-17-763	Clarify description of duties of health care state government employees